



#6/electori
9-10-02
JAD

00862.022224

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
TECHNOLOGY CENTER 2800
SEP -3 2002

In re Application of:)
Toshiyuki SHIGARAKI) Examiner: E. Kielin
Application No.: 09/851,158) Group Art Unit: 2813
Filed: May 9, 2001)
For: SEMICONDUCTOR MANUFACTURING) August 30, 2002
APPARATUS AND METHOD OF :
MANUFACTURING SEMICONDUCTOR)
DEVICES :
:

The Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Sir:

Applicant respectfully traverses the election of species requirement set forth in the Office Action dated July 30, 2002.

In the Office Action, the Examiner asserts that the subject application contains claims directed to eight patentably distinct species of the invention. Species I includes the invention of claims 3 and 18, drawn to a semiconductor manufacturing apparatus having an open/close sensor and a method of using; Species II includes the invention of claims 4-7 and 19-22, drawn to a

semiconductor manufacturing apparatus having a safety sensor for oxygen or ozone and a method of using; Species III includes the invention of claims 8 and 23, drawn to a semiconductor manufacturing apparatus having a measuring means for measuring the concentration of a predetermined gas component and a method of using; Species IV includes claims 9 and 24, drawn to a semiconductor manufacturing apparatus having a control console for entering the decision of a start of maintenance and a method of using; Species V includes the invention of claims 10 and 25, drawn to a semiconductor manufacturing apparatus having a safety sensor and covering locking mechanism responsive to the safety sensor and a method of using; Species VI includes claims 11-13 and 26-28, drawn to a semiconductor manufacturing apparatus having a plurality of prescribed areas with separate gas supply units and separate maintenance decision means and separate supply control means, and a method of using; Species VII includes claim 29, drawn to a semiconductor manufacturing plant having plural semiconductor manufacturing apparatus; and Species VIII includes claims 14, 15 and 30-33, drawn to a computer-networked semiconductor manufacturing apparatus, a plant and a method of using.

Initially, Applicant submits that the election of species requirement is not well founded. Specifically, it is well settled that claims are never species of the invention. Therefore, Applicant requests that the election requirement be withdrawn on this basis. In addition, a careful review of the subject application reveals that the various embodiments are so closely related as to not require separate fields of search. Accordingly, neither Applicant nor the U.S. Patent and Trademark Office should be put through the trouble and expense entailed in multiple filing and prosecution. In addition, Applicant submits that the public-at-large should not be

required to obtain and study several patents in order to have available all of the issued patent claims covering the invention.

Still further, the making of an election species is not mandatory in all instances where it is possible to do so. Rather, the Examiner may use his discretion and choose not to make an election of species where circumstances warrant. It is believed that such is the case in the subject application. Therefore, Applicant requests, under 37 CFR 1.143, that the Examiner reconsider and withdraw the election requirement set forth in the above-noted Office Action.

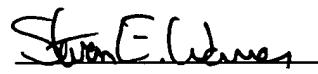
Nevertheless, in order to comply with the requirements of 37 CFR 1.146, and MPEP § 809.02(a), Applicant provisionally elects, with traverse, to prosecute the invention of Species I. Applicant submits that claims 3 and 18 read on the elected species. Further, as noted by the Examiner, Applicant submits that claims 1, 2, 16 and 17 are generic.

Applicant further submits that claims 11-13 and 26-28, noted by the Examiner as being Species VI, also should be examined at this time. Specifically, claims 11-13, for example, further define structures of the chamber, decision means, and supply means, each of which is recited in generic independent claim 1. Thus, generally speaking, the features recited in these claims are already recited in independent claim 1, and no additional elements are recited. Accordingly, claims 11-13, as well as corresponding method claims 26-28, should be examined together with claims 1-3 and 16-18.

Applicant further submits that the instant application is in condition for allowance. Favorable consideration and early passage to issue are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicant
Steven E. Warner
Registration No. 33,326

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
SEW/eab
DC_MAIN 107364 v 1